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September 27, 2017

**VIA ECF**

The Honorable Joan N. Ericksen  
District Judge, District of Minnesota  
United States District Court  
12W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Re: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*  
MDL No. 15-2666-JNE-FLN

Dear Judge Ericksen:

We are writing to seek the Court's guidance and approval on an issue related to the *Nugier* case (16-cv-4246). In light of the Court's decision yesterday to remove *Nugier* as a bellwether trial case, the parties are standing down on case-specific discovery or work up of the case, including taking up any additional steps to address discovery from the VA. Should the *Nugier* case ever be revived, Defendants wish to preserve our opportunity to file an objection to Judge Noel's September 22 Order (Dkt. No. 858) on Defendants' Motion to Compel against the Miami Veterans Administration Medical Center (Dkt. No. 701) and the United States' Motion to Quash Subpoena (Dkt. No. 724).

To avoid unnecessary motion practice, Defendants propose that the Court defer the deadline for objecting to Judge Noel's ruling under Rule 72(a) until the *Nugier* matter once again becomes active in this MDL. *See* Fed. R. Civ. P. 6(b); *Harden v. Gendernalik*, 2010 WL 4054189 (W.D. Mich.) (noting that Fed. R. Civ. P. 6(b) authorizes the district court to extend the fourteen-day objection period provided by Fed. R. Civ. P. 72(a).)

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Blackwell', is written over the typed name.

Jerry W. Blackwell

JWB:MSY:ck